



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

November 30, 2023 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Zac Burke, City Engineer/Jones & Associates
Van Mund, Fire Chief
Payden Vine, Public Works Director
Michelle Drago Deputy City Recorder

Excused: Van Mund, Fire Chief

Others in attendance: Brian Bayless, Nilson Homes; Lacy Richards, Nilson Homes; Steve Anderson, Nilson Homes; and Larry Holmes.

Fire Chief Van Mund arrived at 2:00 p.m. but received an emergency call and had to leave before the meeting started.

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 2:12 p.m. A roll call attendance was recorded by the secretary.

2A. CONSIDERATION OF A PUD DEVELOPMENT AGREEMENT FOR THE KUNZLER PROPERTY LOCATED AT APPROXIMATELY 1550 NORTH HARGIS HILL ROAD (PARCEL NOS. 02-035-0046, 02-038-0072, 02-038-0073, 02-040-0210, 02-043-0013, 02-043-0048, 02-043-0049, 02-043-0050)

Time Stamp – 10:03 11/30/2023

Bryce Wheelwright, City Planner, stated that the purpose of the meeting was to discuss a development agreement for the Kunzler property located on Hargis Hill. The development was approved several years ago as a planned unit development. Both parties had been working on the development agreement since that time. A meeting was held earlier in the week to review the latest draft of the development agreement, which was dated November 29th.

Colt Mund, City Attorney, stated that during the Zoom meeting on November 28th, individual sewer grinder pumps were discussed for the townhomes. Chris Breinholt, the City Engineer, indicated that it wasn't legal for a non-public entity to own a sewer lift station. It was an issue that had not been resolved. Had Nilson Homes looked into it?

Steve Anderson, Nilson Homes, wasn't sure they would need a lift station.



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Brian Bayless, Nilson Homes, felt the agreement should be written as if they needed a lift station. They hadn't received any clarification from Chris Breinholt.

Steve Anderson agreed with Chris Breinholt who had said it didn't make sense for each unit to have an individual grinder when they were such small units. If the State law required an individual pump for each house, then that is what they would do. The agreement could be written to reflect that they would provide a lift station and comply with the State code. Mr. Mund agreed.

Colt Mund asked about the number of units Nilson Homes had stipulated on Page 10. Why 50 units? Why not 75? Brian Bayless hoped they could start the development and continue through all 246 units. If there wasn't an answer regarding the water tank, they didn't want to get to the 75th unit and face an 18-month delay to build the water tank. If there wasn't an answer regarding the water tank when they reached 50 units, they could slow down sales and home building through the construction period. When the water tank was operational, they could just keep building.

Colt Mund stated that at the top of Page 9, it said, "The developer may construct units." He asked if it should read, "the first 75 units prior to constructing the 200 West waterline." He wanted to make sure there wasn't any confusion. The agreement needed to clearly refer to the first 75 units. Brian Bayless agreed with that suggestion.

Colt Mund said the only other substantive comment was also on Page 9 at the bottom under the little *i*. It said, "The developer shall be allowed to develop the entire property and construct all of the units beyond the first 75." He felt that should be changed to *may* with the system capacities being satisfied.

Brian Bayless felt the agreement already mentioned that they couldn't build more than the capacity of the system. That is why they felt *shall* would be important. He asked if the agreement could state, "It shall subject to those ..." Colt Mund said he would be fine if it said, "...shall subject to those being..."

Zac Burke, Jones & Associates, stated that Chris Breinholt, from his firm, attended the meeting earlier in the week. Mr. Burke said the State Code only allowed single ownership of a lift station. Was the single ownership the HOA or the individual residents? Jones & Associates had approved other grinder pumps only when the pumps were individually owned and maintained, not the HOA and not the city.

Brian Bayless agreed with individual ownership for detached single-family homes. However, in a multi-family structure of four units with a total of four to six bathrooms, four grinders seemed excessive when the total usage was the same as a single-family dwelling.

Zac Burke said their concern wasn't usage; it was ownership. The State code was gray. It said it could only be a single ownership. The City didn't want ownership. Brian Bayless said they wanted a grinder per fourplex to tie into the system. Zac Burke said the agreement needed to stipulate that the grinder would be owned by the HOA. Brian Bayless agreed. However, Chris Breinholt said if there was more than one grinder, the system had to be owned by a municipality, not the HOA. Steve Anderson stated that they would have to figure out a way for the system to be owned and maintained by the HOA.

Colt Mund stated that the development agreement said the sewer grinders would be maintained by the HOA. Chris Breinholt was concerned that the State code prevented the HOA from owning the grinders.



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Lacy Richards asked if the agreement could state that ownership would be according to the State code. Mr. Mund agreed with that.

Brian Bayless stated that if they had to, they would put in a grinder for each unit. They would adhere to the State code.

Zac Burke asked about Larry Holmes' concerns. Brian Bayless understood that Larry Holmes was concerned about the sewer connections for the three homes on Hargis Hill. The sewer easement currently ran along the back of those lots.

Larry Holmes, 1561 South Hargis Hill Road, stated that that the sewer easement had to stay because all the property owners on the east side of Hargis Hill Road were connected to it. Steve Anderson stated that they would all stay connected to the sewer and that there would be an easement for the sewer line. All the connections would stay. There wouldn't be final answers until the system had been designed, but they had to make it work.

Zac Burke didn't have an issue with water, sewer, or the storm drain.

Payden Vine, Public Works Director, didn't have any comments; neither did Michelle Drago, Deputy City Recorder.

Colt Mund asked about access points. Steve Anderson said there would be two access points on 200 West and one on Hargis Hill. Mr. Mund asked about the access point for the first 75 units. Mr. Anderson said it would be from 200 West. Brian Bayless said that they had to have a second connection if they exceeded more than 35 units.

Chris Davis, City Manager, did not have any comments. However, the Fire Chief had to leave because of an emergency. The Fire Chief was concerned about fire flow. Had that been addressed? Zac Burke stated that in the first phase, the Hargis Hill line would be upsized. When the line on 200 West was looped, there would be sufficient flow for the entire area.

Steve Anderson said they had to upsize the line on Hargis Hill for the first 75 units to meet the required 1,000 gallons per minute.

Larry Holmes asked how much the line would be upsized. Zac Burke said the line would be increased from a 6-inch line to a 10-inch. There was a discussion about sizing and looping. Bryce Wheelwright said the development would have to meet the current fire flow requirement of 1,000 gallons per minute.

Chris Davis moved to recommend that the Planning Commission approve the Kunzler development agreement and forward it to the City Council. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

2B. CONSIDERATION AND APPROVAL OF NOVEMBER 2, 2023, MINUTES

Michelle Drago asked that approval of the minutes be tabled.

Chris Davis moved to table approval of the November 2, 2023, minutes until the next SLUA meeting. Colt Mund seconded the motion. All voted "aye." The motion passed unanimously.



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3. ADJOURN

Chris Davis moved to adjourn at 2:31 p.m. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: 1/18/24

Bryce Wheelwright
Bryce Wheelwright, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc: SLUA 11-30-2023